

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Office Action of July 27, 2004 has been received and contents carefully reviewed.

Claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 are currently pending, wherein claims 5 and 16 have been amended. Applicant respectfully requests favorable reconsideration in view of the remarks presented herein below.

On page 2 of the Action, the Examiner rejects claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,266,116 to Ohta et al. ("Ohta"). Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. §102, the applied reference must teach each and every claimed element. In the present case, claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 are not anticipated by Ohta for at least the reason that Ohta fails to disclose each and every claimed element as discussed below.

Independent claim 5, as amended, defines an in-plane switching mode liquid crystal display device. The device includes, *inter alia*, a liquid crystal layer between a first and second substrate, wherein $d\Delta n$ is in the range of 0.29-0.36 μm , and a first alignment layer comprising one of SiO_2 , polyvinylalcohol and polyamic acid. In addition, independent claim 16, as amended, defines a method of making the in-plan switching mode liquid crystal display device of claim 1.

Independent claims 5 and 16 are patentably distinguishable over Ohta for at least the reason that Ohta fails to disclose a first alignment layer comprising one of SiO_2 , polyvinylalcohol, and polyamic acid as recited in claims 5 and 16. Furthermore, claims 2, 4, 8, 9, 13, 15, 19, 20, 25 and 26 variously depend from independent claims 5 and 16. Therefore,

claims 2, 4, 8, 9, 13, 15, 19, 20, 25 and 26 are patentably distinguishable over Ohta for at least those reasons presented above with respect to claims 5 and 16. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 under 35 U.S.C. §102(e).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If the Examiner deems that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned at 202-496-7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: October 27, 2004

Respectfully submitted,

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